

**Report of Standing Committee**

Senator Sulak, by unanimous consent, submitted the following report:

Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Health, to whom was referred

S. B. No. 182, A bill to be entitled "An Act to regulate the occupation of hairdressers and cosmetologists, to create a Department of Cosmetology of the State Board of Health for the licensing of persons to carry on and to teach such practices and to insure a better training and education of such practitioners and instructors; to provide for sanitary rules to prevent the spread of infectious and contagious diseases; to provide for health examinations; to provide penalties for the violation thereof; providing for the levy and collection of taxes and charges thereunder and to make an appropriation; providing a saving clause; repealing all laws in conflict herewith; declaring an emergency, and providing that this Act shall repeal and supersede H. B. No. 189 of the Regular Session of the Forty-fourth Legislature, and H. B. No. 127 of the Second Called Session of the Forty-fourth Legislature of the State of Texas."

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be printed.

SULAK, Chairman.

**Senate Concurrent Resolution 25**

On motion of Senator Spears and by unanimous consent, the regular order of business was suspended, to take up for consideration at this time:

S. C. R. No. 25, Requesting Congress to pass bill relative to prevention of tuberculosis.

The President laid the resolution before the Senate, and it was adopted.

**Adjournment**

On motion of Senator Hill, the Senate at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

**TWENTY-NINTH DAY**

(Tuesday, March 4, 1941)

The Senate met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by President Stevenson.

The roll was called, and the following Senators were present:

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Spears Sulak

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Leaves of Absence Granted**

Senator Sulak was granted leave of absence for today on account of important business on motion of Senator Lemens.

Senator Spears was granted leave of absence for today and tomorrow on account of important business on motion of Senator Graves.

**Reports of Standing Committees**

Senator Brownlee submitted the following reports:

Austin, Texas,  
March 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred.

H. B. No. 26, A bill to be entitled "An Act to amend H. B. No. 6, Acts of the Second Called Session, Forty-first Legislature, Chapter 88, as amended in Section 6a of H. B. No. 53, being Chapter 27, of the General

Laws of the Forty-third Legislature, First Called Session, as amended by H. B. No. 9, of the General Laws of the Forty-third Legislature, Third Called Session, Chapter 36; and declaring an emergency."

Have had the same under consideration and beg to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Austin, Texas,  
March 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred.

S. B. No. 121, A bill to be entitled "An Act amending Chapter 277, Acts of the Regular Session of the Forty-second Legislature as heretofore amended, by adding Sections 1a and 1b thereto; excepting from the definition of 'Motor Carrier' and 'Contract Carrier' certain persons, firms and corporations; exempting certain persons, firms and corporations transporting under certain circumstances and conditions their own employees, property or property in which they have an interest as consignee or agent; defining a private motor vehicle owner; exempting private motor vehicle owners from said Act; . . . etc.; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Austin, Texas,  
March 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred.

S. B. No. 35, A bill to be entitled "An Act to amend Chapter 314, General Laws of the State of Texas, Regular Session, Forty-first Legislature, as amended by Chapter 24, General Laws, Second Called Session, Forty-first Legislature, as amended by Chapter 277, General Laws, Forty-second Legislature, Regular Session, as amended by Chapters 255, 316 and 321, General Laws, Regular Session, Forty-fifth Legislature, as amended by H. B. No. 224, Regular Session,

Forty-sixth Legislature, by adding a new subsection to Section 1 thereof, so as to exempt certain specified persons, firms, and corporations from the provisions of said statutes; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that it do pass and be printed.

BROWNLEE, Chairman.

Austin, Texas,  
March 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Highways and Motor Traffic, to whom was referred

S. B. No. 145, A bill to be entitled "An Act to amend subject matter embraced in Section 1, Section 25, Section 31, Section 32, Section 36, Section 57, and Section 65 of H. B. No. 407, Chapter 4, Acts of the Forty-sixth Legislature, Regular Session, 1939; clarifying the legislative intent of the Act whereby liens created only on tires, radios and other automobile parts or accessories are not affected by the Act; defining the term 'departure'; providing a method and manner of issuing receipts and certificates of title, also issuing them when liens are disclosed thereon; prescribing the means and conditions for the issuance of certified copies of certificates of title; and requiring payment of fees; making certain provisions with reference to monies collected under this Act; . . . etc.; and declaring an emergency."

Have had the same under consideration, and beg to report it back to the Senate with the recommendation that such bill, as amended, do pass and be printed.

BROWNLEE, Chairman.

Senator Stone submitted the following report:

Committee Room,  
Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

S. B. No. 205, A bill to be entitled "An Act declaring that any prisoner who escapes from the Texas Penitentiary or from any of the prison farms of the Texas Prison System shall be

guilty of a felony; prescribing penalties necessary and incident thereto; and declaring an emergency."

Have had the same under consideration and we wish to report it back to the Senate with the recommendation that it do pass and be printed.

STONE, Chairman.

Senator Aikin submitted the following report:

Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Finance, to whom was referred

S. B. No. 128, A bill to be entitled "An Act making an appropriation of One Million, Five Hundred Thousand (\$1,500,000) Dollars, to the Texas State Parks Board for the purpose of acquiring property within the area which was designated and established by Chapter 4 of the Acts of the Regular Session of the Forty-sixth Legislature as the Big Bend National Park in Brewster County, Texas; and declaring an emergency."

Have had the same under consideration, and I am instructed to report same back with the recommendation that it do pass and be printed.

AIKIN, Chairman.

Senator Moffett submitted the following reports:

Committee Room,  
Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 156, A bill to be entitled "An Act accepting the provisions of Public No. 413, Acts of the Seventy-sixth Congress and declaring the lands acquired by the United States Government upon the United Mexican States by the convention signed February 1, 1933, to be a geographical part of the State of Texas under the civil and criminal jurisdiction of such State; making such lands for all purposes a part of the particular border county of this State to which they are adjacent; and declaring an emergency."

Have had the same under consideration, and am instructed to report it back to the Senate with the recom-

mendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Committee Room,  
Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 30, A bill to be entitled "An Act declaring the sovereignty of Texas along its seacoast; fixing its present seacoast boundary and ownership; and declaring an emergency."

Have had the same under consideration, and am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Committee Room,  
Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

H. B. No. 56, A bill to be entitled "An Act to extend the time for the payment of all notes or obligations executed by purchasers of school land for the unpaid balance of principal due the State thereon until November 1, 1951; amending Article 5312, Revised Civil Statutes 1925; amending Article 5326, Revised Civil Statutes 1925; and declaring an emergency."

Have had the same under consideration, and am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Committee Room,  
Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 10, A bill to be entitled "An Act to extend the time for the payment of all notes or obligations executed by purchasers of school land for the unpaid balance of principal

due the State thereon until November 1, 1951; amending Article 5312, Revised Civil Statutes 1925; amending Article 5326, Revised Civil Statutes 1925; and declaring an emergency."

Have had the same under consideration, and instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

MOFFETT, Vice Chairman.

Committee Room,  
Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Lands and Land Office, to whom was referred

S. B. No. 55, A bill to be entitled "An Act amending Article 5357 and 5362 of the Revised Civil Statutes of Texas of 1925, providing for the acceptance of applications and bids for the leases upon certain public lands and for the term of said leases, and providing for the revision and modification of leases heretofore issued and for the assignment of such leases in whole or in part, and repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Have had the same under consideration, and am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

MOFFETT, Vice Chairman.

Senator Ramsey submitted the following reports:

Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

We, your Committee on Counties and County Boundaries, to whom was referred

S. B. No. 45, A bill to be entitled "An Act authorizing counties having an assessed valuation of not less than Twenty Million (\$20,000,000) Dollars, and a population of not more than three (3) persons per square mile to vote, levy, assess and collect a county-wide school maintenance tax; providing for the apportionment and administration thereof; making other provisions related to such subject; repealing all laws in conflict herewith to the extent of such conflict; specifically re-

pealing Chapter 7, Forty-third Legislature, First Called Session and Chapter 54, Forty-fifth Legislature, with the provision that such repeal shall not affect taxes heretofore levied thereunder; validating all acts done, elections held, for any purpose which are authorized by this Act, and validating taxes levied in such counties; and declaring an emergency."

Have had the same under consideration and do hereby report it back to the Senate with the recommendation that it pass and be not printed.

RAMSEY, Chairman.

Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 229, A bill to be entitled "An Act authorizing the commissioners' court in all counties having a population of not less than six thousand, one hundred (6,100) and not more than six thousand, one hundred eighty (6,180) and in counties having a population of not less than nine thousand, four hundred (9,400) and not more than nine thousand, six hundred (9,600) according to the last preceding Federal Census, to allow each county commissioner and county judge, certain traveling expenses while traveling on official business; and declaring an emergency."

Have had the same under consideration and do hereby report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

#### Senate Bills on First Reading

The following bills were introduced, read severally first time and referred by the President to the committees indicated:

By Senator Brownlee:

S. B. No. 237, A bill to be entitled "An Act relating to the compensation of sheriffs in counties of this State, having a population of more than 10,000, and less than 20,000, people, according to the last Federal Census, providing the sums of monies which such officers shall be paid for official services, providing the method and means of payment, pro-

viding that nothing in this act shall effect the laws now in existence, providing the effective date of this Act, repealing all laws inconsistent with the provisions of this Act, declaring the Act to be severable, declaring the policy and intention of the Legislature relative thereto; and declaring an emergency."

To Committee on Counties and County Boundaries.

By Senator Lanning:

S. B. No. 238, A bill to be entitled "An Act providing for the leasing of all islands, salt water lakes, bays, inlets, marshes, and reefs owned by the State within tidewater limits, and that portion of the Gulf of Mexico within the jurisdiction of Texas, all beds of rivers and channels belonging to the State, and all unsold public free school land, both surveyed and unsurveyed, by the Commissioner of the General Land Office; providing that the price at which such land may be leased shall be determined by the school land board; defining the terms of lease; and declaring an emergency."

To Committee on Public Lands and Land Office.

By Senator Ramsey:

S. B. No. 239, A bill to be entitled "An Act making it unlawful for any finance company, its agents, servants, employees, to receive any commission from an insurance company for the sale of any insurance policy covering property against which the finance company has taken a lien, or covering any liability of the borrower, and making it unlawful for any insurance company to pay any commission to any finance company, its agents, servants and employees, upon any insurance policy covering any property against which the finance company has taken a lien, or covering the liability of the borrower; defining terms; providing a penalty; and declaring an emergency."

To Committee on Insurance.

By Senator Ramsey:

S. B. No. 240, A bill to be entitled "An Act repealing Article 1370a of the Penal Code of the State of Texas making it unlawful for livestock to traverse or roam at large on the right-of-way of any designated State

highway; and declaring an emergency."

To Committee on Stock and Stock Raising.

By Senator Ramsey:

S. B. No. 241, A bill to be entitled "An Act to amend Title 116, Article 6674q, Section 7, Paragraph (a) of the Revised Statute of the State of Texas with reference to administrative provisions enacted for the allocation of funds from Gasoline Tax as amended by Acts of Forty-sixth Legislature, 1939, as set out in session laws of the Forty-sixth Legislature Acts of 1939, Page 582, Paragraph (1) one to provide for the eligibility of defined road districts to participate in the distribution of monies coming into the County and Road District Highway Fund for the payment of bonds voted by such road district prior to January 2nd, 1939, and declaring an emergency."

To Committee on State Affairs.

By Senator Metcalfe:

S. B. No. 242, A bill to be entitled "An Act to amend Article 1813, Revised Civil Statutes of Texas 1925, as amended by Acts 1936, Forty-fourth Legislature, Third Called Session, page 2108, Chapter 509, as amended by Acts 1937, Forty-fifth Legislature, page 297, Chapter 154, so as to add thereto a provision for the appointment of a special commissioner to serve with and assist a court of civil appeals where a member thereof is called or ordered into active military service of the United States; providing for the appointment of such special commissioner by the Governor, under certain defined circumstances; defining the duties, compensation, and term of office of such special commissioner; providing that nothing in this Act shall be considered as giving any two members of any court of civil appeals or the Governor the power or authority to remove or suspend any member of the court of civil appeals from his office, or to in any manner interfere with him in his constitutional rights and powers; providing that if any part of this Act is held unconstitutional, the valid portion of the same is intended to be enacted; and providing for an emergency."

To Committee on Civil Jurisprudence.

## Senate Concurrent Resolution 30

Senator Lovelady offered the following resolution:

Authorizing the lending by the State Highway Department of guard wire to any independent or common school district in the 21st and 20th Senatorial Districts.

Whereas, The State Highway Department of Texas has a large quantity of discarded guard wire; and

Whereas, This guard wire can be used to a great advantage by schools to fence their grounds for different purposes; and

Whereas, It would be a great accommodation to any school that might avail themselves of the opportunity to borrow from the State Highway Department this discarded guard wire; now, therefore, be it

Resolved by the Senate, the House of Representatives concurring, That the State Highway Department of Texas be authorized to loan to any independent or common school district in the 21st and 20th Senatorial District, sufficient quantities of the discarded guard wire, if said guard wire is available, to take care of the particular case relative to any school affected by this resolution, and it is so resolved.

LOVELADY,  
BROWNLEE.

The resolution was read and was referred to the Committee on Public Buildings and Grounds.

## Reference of House Concurrent Resolution 52

H. C. R. No. 52, received from the House on yesterday, was laid before the Senate, and was read and referred to Committee on Oil, Gas and Conservation.

## Communication from Dean of Law School of University of Texas

The President laid before the Senate, and had read, the following communication:

Austin, Texas  
February 18, 1941

Hon. Coke Stevenson, Lieutenant-Governor, State of Texas:

Dear Governor Stevenson:

A former member of the Legislature has made a suggestion to us as to a way in which the University

Law School could possibly be helpful to the Legislature. The suggestion was that the members of the senior class of the Law School might be serviceable to individual Legislators who desired to have legal questions investigated or who desired to find examples of legislation in other states which might be used as a model for bills desired to be introduced.

In response to this suggestion I have canvassed the officers of our student organization, and they advise me that there are many members of the senior law class who would be delighted to volunteer to furnish their services in this way. Mr. Covey T. Oliver, of the law faculty, has agreed to supervise the work of the students. Miss Connerly, the Reference Librarian, will transmit to the Law School any request for such investigation or briefing by Law School students.

Of course, these seniors will not be able to give as much help as would experienced lawyers, but they do have available in the Law School an extensive Law Library and a collection of statutes of different states and countries, and they would thus be able to do at least some of the routine work of briefing and research which the Legislators themselves and the Legislative Reference Librarian might not have time to do.

If you think that this plan would be useful, you might announce this offer to the Senate or have a notice posted.

With expressions of esteem, I am

Yours faithfully,

CHARLES T. McCORMICK,  
Dean of the Law School.

## Resolutions Signed

The President signed in the presence of the Senate, after their captions had been read, the following enrolled resolutions:

S. C. R. No. 13, Authorizing the loan of certain guard wire to the Forney Independent School District.

S. C. R. No. 16, Suspending restriction in general appropriation bill so as to permit employees in Comptroller's office to perform duties in the office other than the duties regularly performed by them.

S. C. R. No. 27, Providing for a committee to investigate feasibility of fireproofing the Capitol.

## Senate Bill 154 on Engrossment

(By Unanimous Consent)

The President laid before the Senate, as unfinished business, on its passage to engrossment (the bill having been read second time on yesterday):

S. B. No. 154, A bill to be entitled "An Act amending Section 13, Chapter 465, General and Special Laws, Forty-fourth Legislature, Second Called Session, by adding thereto subsection (d), to allow the commissioners' courts in all counties of more than one hundred two thousand and one (102,001) and less than one hundred ten thousand (110,000) population, according to the last preceding Federal Census, to fix the salary of the county treasurer at any sum not less than Fifty (\$50.00) Dollars per month; repealing all laws or parts of laws in conflict herewith; and declaring an emergency."

Senator Kelley withdrew the pending amendments (1) and (2) which he offered on yesterday.

Senator Kelley offered the following amendments to the bill:

(1)

Amend S. B. No. 154 to read as follows after the enacting clause:

Section 1. Section 13, Chapter 465, General and Special Laws, Forty-fourth Legislature, Second Called Session, is hereby amended by adding thereto Subsection (d), which shall read as follows:

"(d). The commissioners' court of the respective counties of Texas having a population of more than one hundred two thousand and one (102,001) and less than one hundred ten thousand (110,000), according to the last preceding Federal Census are hereby authorized to fix the salary of the county treasurer of their particular county at any sum not less than Six Hundred (\$600.00) Dollars per year nor more than Twenty-seven Hundred (\$2,700.00) Dollars per year. In the determination of such salary the court will consider the fees received by such office during the preceding fiscal year, the expense of that office during the same period, and the relative duties incumbent on such office; and shall in their discretion affix to such office such compensation as they deem just and necessary for the services rendered,

within the limits hereinbefore provided."

Section 2. All laws or parts of laws in conflict with the provisions of this Act are hereby repealed to the extent of such conflict; and this Act shall be interpreted as an express modification of Chapter 465, General and Special Laws, Forty-fourth Legislature, Second Called Session, to the extent provided.

Section 3. The effective date of this Act shall be January 1, 1943.

(2)

Amend the caption of the bill to read as follows:

"A bill to be entitled, An Act amending Section 13, Chapter 465, General and Special Laws, Forty-fourth Legislature, Second Called Session, as amended by H. B. No. 161, Regular Session, Forty-sixth Legislature, by adding thereto subsection (d), providing that the commissioners' courts in all counties of more than one hundred two thousand and one (102,001) and less than one hundred ten thousand (110,000) population according to the last preceding Federal Census, may fix the salary of the county treasurer at any sum not less than Six Hundred (\$600.00) Dollars per year and not more than Twenty-seven Hundred (\$2,700.00) Dollars per year; repealing all laws or parts of laws in conflict herewith; and providing the effective date of this Act to be January 1, 1943."

The amendments were adopted severally.

The bill then was passed to engrossment.

## Message from the House

The Reading Clerk of the House was recognized by the President to present the following messages:

Hall of the House of Representatives,  
Austin, Texas,  
March 4, 1941

Hon. Coke R. Stevenson, President  
of the Senate:

Sir: I am directed by the House to inform the Senate that the House has passed the following bills:

H. B. No. 146, A bill to be entitled "An Act authorizing the commissioners' court in all counties in the State of Texas to appropriate from the

general fund not more than five (5c) cents on the One Hundred (\$100.00) Dollars assessed valuation, for the purpose of advertising and promoting the growth and development of the counties, and providing for an election authorizing such appropriation; and creating and providing for the appointment of a Board of County Development, devoted to the growth, advertisement and development of such counties and their county seats; and declaring an emergency."

H. B. No. 152, A bill to be entitled "An Act authorizing eligible cities as defined herein to issue refunding bonds, providing method of paying and securing such bonds, enacting other provisions relating to the subject and other provisions relating to the issuance and payment of such bonds, authorizing proceedings under the Municipal Bankruptcy Act, making this Act cumulative of other laws, providing that it shall take precedence over other laws, general or special, and all charter provisions in conflict or inconsistent herewith; and declaring an emergency."

H. B. No. 183, A bill to be entitled "An Act to provide for and regulate the holding of run-off elections in cities and towns having a population in excess of two hundred thousand (200,000) inhabitants, according to the last preceding or any future Federal Census; providing that cities not using voting machines may adopt the preferential type ballot in lieu of the procedure set forth in this Act; repealing all laws, parts of law, charter provisions and ordinances in conflict herewith, and declaring an emergency."

H. B. No. 351, A bill to be entitled "An Act providing for the creation of a class of common carrier motor carriers to be known as 'Specialized Motor Carriers' by amending Section 1, Chapter 314, Acts 1929, Forty-first Legislature, Regular Session Page 698, as amended by Section 1, Chapter 277, Acts 1931, Forty-second Legislature, Regular Session, Page 480, by adding Subsection (i), defining 'Specialized Motor Carriers,' Subsection (j), defining 'Special Facilities' and Subsection (k), defining 'Special Motor Vehicles'; amending Section 5, Chapter 314, Acts 1929, Forty-first Legislature; Regular Session, Page 698, as amended by Sec-

tion 5, Chapter 277, Acts 1931, Forty-second Legislature, Regular Session, Page 480, by adding Subsection 5 (a), providing for the issuance to 'Specialized Motor Carriers' of certificates of public convenience and necessity by the Railroad Commission, providing that no 'Specialized Motor Carriers' shall operate over highways of this State without first having obtained a certificate of public convenience and necessity, and providing for the sale, assignment, lease, transfer and inheritance of such certificates; amending Section 6-bb, Chapter 277, Acts 1931, Forty-second Legislature, Regular Session, Page 480, by adding Subsection 6-bbb, providing that certificates of public convenience and necessity of 'Specialized Motor Carriers' may be issued to Contract Carriers, Special Commodity Carriers, or any owner or holder of a contract carrier permit or a special commodity carrier permit, or both, and any contract carrier, special commodity carrier, or any owner or holder of a contract carrier permit or special commodity carrier permit, or both, may apply for, receive and be the owner, holder, purchaser, assignee, lessee, or transferee of a certificate of public convenience and necessity, as a 'Specialized Motor Carrier', and providing that any 'Specialized Motor Carriers' may apply for, receive, own and hold and be the purchaser, assignee, lessee, or transferee of a contract carrier permit, or special commodity carrier permit, or both, and further providing that Section 6-bb, Chapter 277, Acts 1931, Forty-second Legislature, Regular Session, page 480, shall not apply to 'Specialized Motor Carriers', contract carriers and special commodity carriers; amending Section 10, Chapter 314, Acts 1929, Forty-first Legislature, Regular Session, Page 698, as amended by Section 10, Chapter 277, Acts 1931, Forty-second Legislature, Regular Session, Page 480, by adding Subsection 10 (a) providing that the Commission shall have no jurisdiction to consider, set for hearing, hear or determine any application for a certificate of public convenience and necessity authorizing the operation of a 'Specialized Motor Carrier' unless the application shall be in writing and providing for the contents thereof; prescribing a standard and declaring a policy to guide the Rail-



road Commission of Texas in the administration of this Act; providing a safety clause and declaring an emergency."

H. B. No. 359, A bill to be entitled "An Act to amend Article 392, Revised Civil Statutes of 1925, as amended by Acts 1937, Forty-fifth Legislature, Page 1296, Chapter 482, Section 1, and declaring an emergency."

H. B. No. 371, A bill to be entitled "An Act authorizing independent school districts and cities which have assumed the control of public schools situated therein to build or purchase buildings and grounds located within or without the district or city, for the purpose of constructing gymnasias, stadia, or other recreational facilities, and to mortgage and encumber the same, and the income thereof, and to evidence the obligation therefor by the issuance of bonds to secure the payment of funds to purchase or construct or to purchase and construct the same; providing that the purchaser shall have a franchise to operate same in case of foreclosure; providing that no such obligation shall ever be a debt of any such school district or city; but solely a charge upon the property so encumbered; providing that no election for the issuance of such bonds shall be necessary; providing that such project shall be deemed self-liquidating in character; providing that the cost of maintaining and operating the project shall be a first charge against the revenues of the project; providing that such bonds shall be payable from the net revenues of the project, together with all future extensions or additions thereto, or replacements thereof; providing for the payment of said bonds; providing that the holder of said bonds shall never have the right to demand payment thereof out of any funds raised or to be raised by taxation; providing that said bonds shall be approved by the Attorney General and registered by the State Comptroller; providing that no bonds authorized shall be issued or executed after the expiration of two (2) years from the effective date of this Act; providing that no land upon which is situated school improvements shall be subject to the indebtedness created hereunder; validating acts

heretofore performed by school districts; enacting provisions incident and relating to the subject and purpose of this Act; and providing further for the issuance of revenue bonds by independent school districts and cities which have assumed the control of the public schools situated therein, for the purpose of building additions to existing gymnasias, stadia and other recreational facilities owned by the same, and purchasing additional buildings and grounds for the purpose of constructing additions to existing gymnasias, stadia and other recreational facilities; providing that any bonds issued shall be payable from the net revenues of the projects after payment of the operating and maintenance charges; and declaring an emergency."

Respectfully submitted,

E. R. LINDLEY,  
Chief Clerk, House of Representatives.

#### House Bills on First Reading

The following House bills, received from the House today, were laid before the Senate, read first time and referred to the committees indicated:

H. B. No. 152, to Committee on Civil Jurisprudence.

H. B. No. 359, to Committee on Banking.

H. B. No. 351, to Committee on Highways and Motor Traffic.

H. B. No. 371, to Committee on Civil Jurisprudence.

H. B. No. 183, to Committee on Privileges and Elections.

H. B. No. 146, to Committee on Civil Jurisprudence.

(President Pro Tempore Cotten in the Chair.)

#### Senate Bill 70 on Engrossment

The President Pro Tempore laid before the Senate as a special order, the hour for the consideration of which had previously arrived, on its passage to engrossment (the bill having been read second time on February 11, 1941):

S. B. No. 70, A bill to be entitled "An Act to amend Section 8 of H. B. No. 440, Regular Session, Forty-fifth Legislature, Acts of 1937, Chapter 169, providing for the exemption for prescribing, administering, dispensing or selling at retail certain specified

medicinal preparations containing small amounts of certain named drugs, etc.; and declaring an emergency."

Question—Shall the bill be passed to engrossment?

#### Senate Bill 136 on Passage to Engrossment

On motion of Senator Vick and by unanimous consent, the pending business was suspended, to permit further consideration of S. B. No. 136 at this time.

The President Pro Tempore laid before the Senate, on its passage to engrossment (the bill having been read second time on yesterday):

S. B. No. 136, A bill to be entitled "An Act amending S. B. No. 356 of the Regular Session of the Forty-first Legislature so as to make continuance of cases wherein a party or attorney is a member of the Legislature mandatory; and declaring an emergency."

The bill was passed to engrossment.

#### Record of Vote

Senator Hill requested that he be recorded as voting "nay" on passage of the bill to engrossment.

#### Senate Bill 136 on Third Reading

Senator Vick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 136 be placed on its third reading and final passage.

The motion prevailed by the following vote:

#### Yeas—28

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York

#### Nays—1

Hill

#### Absent—Excused

Spears

Sulak

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

#### Yeas—22

Brownlee	Mauritz
Cotten	Metcalf
Fain	Moffett
Formby	Ramsey
Graves	Shivers
Hazlewood	Smith
Kelley	Stone
Lanning	Van Zandt
Lemens	Vick
Lovelady	Winfield
Martin	York

#### Nays—7

Aikin	Isbell
Beck	Moore
Chadick	Weinert
Hill	

#### Absent—Excused

Spears

Sulak

#### Reports of Standing Committees

Senator Mauritz, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
March 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

S. C. R. No. 30, Authorizing the loan of discarded guard wire.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

Senator Van Zandt, by unanimous consent, submitted at this time the following reports:

Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 167, A bill to be entitled "An Act to amend Article 4742 of Chapter 3, of Title 78, Revised Civil

Statutes of Texas, 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 51, A bill to be entitled "An Act to amend Article 4766, Revised Civil Statutes of Texas, 1925, as amended by Acts of 1937, Forty-fifth Legislature, page 419, Chapter 214, Section 1, so as to provide that the term 'Texas Securities' as used in Title 78, Chapter 4, of the Revised Civil Statutes of Texas of 1925, shall include promissory notes and other obligations, payment of which is secured by a mortgage, deed of trust, or other valid lien upon unencumbered real estate situated in the State of Texas, the title to which real estate is valid and the market value of which is forty (40%) per cent more than the amount loaned thereon, excluding uninsured buildings, and also to include first liens upon leasehold estates in real property and improvements thereon, the title to which is valid and the leasehold on which has not less than thirty (30) years to run before expiration, provided that the duration of any loan upon such leasehold estate shall not exceed a period of ten (10) years; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 168, A bill to be entitled "An Act to amend Article 4733, Chapter 3, Title 78, Revised Civil Statutes of Texas, 1925; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it

back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 185, A bill to be entitled "An Act to amend Chapter 40, Section 6, Acts 1929, Forty-first Legislature, First Called Session, same being Article 4860a-6 Vernon's Annotated Statutes, so as to permit mutual insurance companies organized or licensed to do business in Texas under the provisions of Chapter 40, Acts 1929, Forty-first Legislature, First Called Session, to write fidelity and surety bonds, providing for the amount of surplus such companies shall possess and providing for deposit of securities in same manner as is required of stock companies doing a similar business; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

VAN ZANDT, Chairman.

Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

H. B. No. 5, A bill to be entitled "An Act defining industrial life insurance; forbidding the delivery or issuance for delivery of any policy of industrial life insurance, unless it shall contain certain provisions, and making said provisions subject to certain exceptions; securing to insureds and beneficiaries under policies previously issued, the right to select, under certain circumstances, extended or paid-up insurance and providing for the automatic selection of extended insurance in the event such insureds or beneficiaries fail to make a selection; designating additional optional provisions to be contained in policies of industrial life insurance; forbidding the inclusion of certain provisions in industrial life insurance policies . . . etc.; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass as amended by committee amendment number one (1) hereto attached and be printed.

VAN ZANDT, Chairman.

Senator Winfield, by unanimous consent, submitted at this time, the following report:

Austin, Texas,  
March 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Banking, to whom was referred

S. B. No. 212, A bill to be entitled "An Act authorizing any banking corporation selected as the depository for county funds or as the depository for the funds of any school district in Texas, to pledge General Fund Warrants of the State of Texas as securities securing such funds when, as otherwise provided by law, such banking corporations are authorized to pledge securities in lieu of personal bonds or surety bonds; and declaring an emergency."

Have had the same under consideration and do hereby report it back to the Senate with the recommendation that it do pass and be not printed.

WINFIELD, Chairman.

Senator Ramsey, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

We, your Committee on Counties and County Boundaries, to whom was referred

H. B. No. 230, A bill to be entitled "An Act to amend Section 1 of Article 2351a of the Revised Civil Statutes of Texas of 1925, the same being H. B. No. 427, Acts 1937, of the Forty-fifth Legislature, Regular Session, by providing for the addition thereto of counties having not less than six thousand, one hundred (6,100) and not more than six thousand, one hundred eighty (6,180), according to the last preceding Federal Census; and declaring an emergency."

Have had the same under consideration, and do hereby report it back to the Senate with the recommendation that it do pass and be not printed.

RAMSEY, Chairman.

Senator Stone, by unanimous consent, submitted at this time the following report:

Committee Room,  
Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Penitentiaries, to whom was referred

S. R. No. 44, Providing that the general manager, the chief accountant, and the cashier of the Texas Prison System be called before the Committee on Penitentiaries in the Senate to explain conflicting reports, and to answer such questions as may be propounded by said committee.

Have had the same under consideration, and we wish to report it back to the Senate with the recommendation that it do pass as amended and be not printed.

STONE, Chairman.

#### Senate Concurrent Resolution 30

On motion of Senator Lovelady, and by unanimous consent, the pending business was suspended, to take up S. C. R. No. 30 for consideration at this time.

The President laid before the Senate:

S. C. R. No. 30, Authorizing the Highway Department, etc.

The resolution was read.

On motion of Senator Aikin and by unanimous consent, it was ordered that the resolution be amended to apply to entire State.

The resolution as amended then was adopted.

#### Senate Bill 70 on Engrossment

The Senate resumed consideration of the pending special order, same being S. B. No. 70, relating to sale, etc., of narcotics, on its passage to engrossment.

(Senator Isbell in the Chair.)

The bill then was passed to engrossment.

#### Senate Bill 70 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 70 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Martin
Brownlee	Mauritz
Chadick	Metcalfe
Cotten	Moffett
Fain	Moore
Formby	Ramsey
Graves	Smith
Hazlewood	Stone
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Nays—1

Beck

Absent

Shivers

Absent—Excused

Spears

Sulak

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—15

Fain	Moffett
Graves	Moore
Hill	Shivers
Lanning	Smith
Lemens	Stone
Lovelady	Van Zandt
Mauritz	Vick
Metcalfe	

Nays—11

Aikin	Martin
Beck	Ramsey
Brownlee	Weinert
Chadick	Winfield
Cotten	York
Isbell	

Absent

Formby	Kelley
Hazlewood	

Absent—Excused

Spears

Sulak

(President Pro Tempore in the Chair.)

### Senate Bill 126 on Second Reading

Senator Van Zandt, by unanimous consent, moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of S. B. No. 126 at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Spears

Sulak

On motion of Senator Van Zandt, and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 126 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 126, A bill to be entitled "An Act authorizing trustees of common school districts and consolidated common school districts to make contracts with superintendents, principals, and teachers, with the approval of the county superintendent; providing for the length of time of such employment; providing that no contract may be signed until the newly elected trustees have qualified and taken the oath of office; and declaring an emergency."

The bill was read second time and was passed to engrossment.

### Senate Bill 126 on Third Reading

Senator Van Zandt moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 126 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Spears                      Sulak

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Spears                      Sulak

#### Senate Resolution 51

Senator Vick, by unanimous consent, offered at this time the following resolution:

Whereas, There is present at the Bar of the Senate of the State of Texas at this time, the senior class of the Sacred Heart Academy of Waco, accompanied by Sister Regina; now, therefore, be it

Resolved, That Sister Regina and this group be extended the privileges

of the floor of the Senate of Texas at this time.

The resolution was read and was adopted unanimously.

#### Reports of Standing Committees

Senator Mauritz, by unanimous consent, submitted at this time the following report:

Floor Committee,  
Austin, Texas,  
March 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Public Buildings and Grounds, to whom was referred

S. C. R. No. 26, Authorizing the loan of discarded guard wire.

Have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

MAURITZ, Chairman.

Senator Smith, by unanimous consent, submitted at this time the following reports:

Committee Room,  
Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 367, A bill to be entitled "An Act making it lawful to hunt or kill wild foxes in DeWitt County; repealing all laws on conflict therewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 199, A bill to be entitled "An Act amending Article 923rr of the Penal Code of the State of Texas; providing that it shall be unlawful for any person, at any time, to set a trap for or trap or kill any muskrat

upon any land of another or be in possession of a muskrat or the hide of such animal taken from such land, without the consent of the owner or lessee or such land to trap thereon; providing that such person may in relief against this provision show a rightful, legal possession of such muskrat or the hide of such animal; specifying a penalty; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMITH, Chairman.

Committee Room,  
Austin, Texas,  
March 3, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

S. B. No. 204, A bill to be entitled "An Act to repeal Chapter 10, Acts Fourth Called Session of the Forty-first Legislature, as amended by Chapter 202, Regular Session of the Forty-second Legislature; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMITH, Chairman.

Senator Beck, by unanimous consent, submitted at this time the following report:

Austin, Texas,  
March 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred

H. B. No. 183, A bill to be entitled "An Act to provide for and regulate the holding of run-off elections in cities and towns having a population in excess of two hundred thousand (200,000) inhabitants, according to the last preceding or any future Federal Census; providing that cities not using voting machines may adopt the preferential type ballot in lieu of the procedure set forth in this Act; repealing all laws, parts of law, charter provisions, and ordinances in conflict herewith; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

BECK, Vice Chairman.

#### Senate Bill 124 on Second Reading

In the absence of the authors of S. B. No. 124 and S. B. No. 18, shown on the Calendar as next in order for consideration, the President Pro Tempore laid S. B. No. 67 before the Senate on its second reading and passage to engrossment.

Senator Lovelady objected to the reading of the bill or its consideration in advance of the second reading and consideration of S. B. No. 124.

Senator Van Zandt raised a point of order against the reading or consideration of S. B. No. 67 at this time, on the ground that the next business in order, under the rules of the Senate is the second reading and consideration on engrossment of S. B. No. 124.

The President Pro Tempore sustained the point of order, and laid before the Senate, on its second reading and passage to engrossment:

S. B. No. 124, A bill to be entitled "An Act providing for the deposit of moneys to the credit of a fund to be known as the 'Social Security Account'; creating the Social Security Account in the office of the State Treasury; providing for the allocation of the funds so accumulated; repealing all laws in conflict with this Act; and declaring an emergency."

The bill was read second time.

#### Motion to Adjourn

Senator Hill moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

Yeas and nays were demanded, and the motion to adjourn was lost by the following vote:

#### Yeas—7

Beck	Shivers
Hill	Stone
Moore	Weinert
Ramsey	

#### Nays—21

Aikin	Fain
Brownlee	Formby
Chadick	Graves
Cotten	Isbell

Hazlewood	Moffett
Kelley	Smith
Lanning	Van Zandt
Lemens	Vick
Lovelady	Winfield
Mauritz	York
Metcalf	

Absent

Martin

Absent—Excused

Spears

Sulak

Senator Van Zandt moved that further consideration of S. B. No. 124 be postponed until April 1, 1941, immediately after consideration of S. B. No. 20, previously postponed to that day, has been completed.

Senator Lovelady moved to table the motion of Senator Van Zandt.

Yeas and nays were demanded, and the motion to table was lost by the following vote:

Yeas—14

Aikin	Isbell
Brownlee	Kelley
Chadick	Lanning
Cotten	Lemens
Formby	Lovelady
Graves	Mauritz
Hazlewood	Metcalf

Nays—14

Beck	Smith
Fain	Stone
Hill	Van Zandt
Moffett	Vick
Moore	Weinert
Ramsey	Winfield
Shivers	York

Absent

Martin

Absent—Excused

Spears

Sulak

Question then recurring on the motion of Senator Van Zandt to postpone, it prevailed.

#### Record of Vote

Senator Chadick asked to be recorded as voting "nay" on the motion to postpone.

#### Signing of Bills

The President Pro Tempore signed in the presence of the Senate, after their captions had been read, the following enrolled bills:

H. B. No. 69, A bill to be entitled "An Act to amend Section 5, Chap-

ter 136, Acts of the Regular Session of the Thirty-ninth Legislature providing that anyone may construct on his own property a dam or reservoir to contain not to exceed fifty (50) acre-feet of water for domestic and livestock purposes without securing a permit therefor; and declaring an emergency."

H. B. No. 198, A bill to be entitled "An Act to declare a closed season on the killing of deer and turkey in Throckmorton, Shackelford and Haskell Counties for a period ending February 1, 1946; prescribing a penalty therefor; and declaring an emergency."

H. B. No. 207, A bill to be entitled "An Act validating certain county line independent school districts; providing for the continuance in office of the board of trustees of such county line independent school districts as same existed immediately prior to increasing the area of such districts, until the expiration of the respective terms of the members thereof, and providing that their successors shall be elected as provided by the General Laws for the election of trustees in county line independent school districts incorporated for school purposes only; providing for the validating of all acts of the board of trustees of any such county line independent school district in connection with the ordering of an election or elections and declaring the results thereof, and in attempting or purporting to levy taxes for and on behalf of such county line independent school district with its increased area and providing for the validating of all contracts and other acts of such board of trustees, otherwise legal, heretofore made on behalf of such district with increased territory; providing that nothing in this Act shall in any wise affect any local maintenance tax or taxes for bonded purposes heretofore voted on any part of the territory included within the bounds of any such county line independent school district within the increased area; and declaring an emergency."

H. B. No. 282, A bill to be entitled "An Act amending Section 1 of an Act known as H. B. No. 965, of the Regular Session of the Forty-sixth Legislature, page 336, (1939), which latter Act creates the Rockport Wildlife Sanctuary, so as to re-define the boundaries of said sanctuary; and declaring an emergency."



H. B. No. 394, A bill to be entitled "An Act to repeal Chapter 71, H. B. No. 84, Acts of the Regular Session of the Forty-sixth Legislature, prohibiting the use of seines, nets, or other devices for catching fish or shrimp, with exceptions, in or on the waters of Matagorda Bay from the Colorado River to its easternmost end; and declaring an emergency."

**Senate Joint Resolution on  
First Reading**

By unanimous consent, the following resolution was introduced at this time, read first time and referred to the Committee on Constitutional Amendments:

By Senator Graves:

S. J. R. No. 8, Proposing an amendment to Section 51 of Article 3 of the Constitution of the State of Texas, by adding thereto Section 51-E, providing that cities and towns in this State shall have power and authority to provide a system of retirement and disability pensions for its employees, provided, however, that no pension system shall be set up in any city until it has been approved at an election by the qualified voters entitled to vote on the question of issuance of tax supported bonds, providing for an election on the question of adoption or rejection of such Amendment and making an appropriation therefor; providing for the proclamation and publication therefor and prescribing the form of ballot.

**Senate Bill 212 on Second Reading**

Senator York moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of S. B. No. 212 at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Lemens
Beck	Lovelady
Brownlee	Martin
Chadick	Mauritz
Cotten	Metcalf
Fain	Moffett
Formby	Moore
Graves	Ramsey
Hazlewood	Shivers
Hill	Smith
Isbell	Stone
Kelley	Van Zandt
Lanning	Vick

Weinert                      York  
Winfield

Absent—Excused

Spears                      Sulak

On motion of Senator York and by unanimous consent, the regular order of business was suspended, to permit consideration of S. B. No. 212 at this time.

The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 212, A bill to be entitled "An Act authorizing any banking corporation selected as the depository for county funds or as the depository for the funds of any school district in Texas, to pledge General Fund Warrants of the State of Texas as securities securing such funds when, as otherwise provided by law, such banking corporations are authorized to pledge securities in lieu of personal bonds or surety bonds; and declaring an emergency."

The bill was read second time.

Senator York offered the following amendment to the bill:

Amend S. B. 212, page 1, Section 1, by adding after the word "Texas," in line 6 of said Section, the following: "or funds of any State institution." And amend the caption accordingly.

The amendment was adopted.

The bill was passed to engrossment.

**Senate Bill 212 on Third Reading**

Senator York moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 212 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Kelley
Beck	Lanning
Brownlee	Lemens
Chadick	Lovelady
Cotten	Martin
Fain	Mauritz
Formby	Metcalf
Graves	Moffett
Hazlewood	Moore
Hill	Ramsey
Isbell	Shivers

Smith	Weinert
Stone	Winfield
Van Zandt	York
Vick	

Absent—Excused

Spears	Sulak
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The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—28

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Chadick	Metcalf
Cotten	Moffett
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York

Nays—1

Moore

Absent—Excused

Spears	Sulak
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#### Message from the Governor

A messenger was duly admitted to the Senate Chamber by the Doorkeeper, and was recognized by the President Pro Tempore, to present a message from the Governor, which was transmitted to the President's table.

#### Message from the House

The President Pro Tempore recognized a Clerk of the House, to present the following message:

Hall of the House of Representatives,  
Austin, Texas,  
March 4, 1941.

Hon. Coke R. Stevenson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

S. C. R. No. 21, Permitting the Crosbyton Independent School District to borrow money not to exceed Ten Thousand (\$10,000) Dollars for the purpose of supplementing money

on hand to pay outstanding obligations, etc.

S. C. R. No. 22, Permitting Crosbyton Independent School District to levy and collect tax not to exceed One and 50/100 (\$1.50) Dollars on each One Hundred (\$100.00) Dollar valuation, etc.

S. C. R. No. 25, Memorializing Congress to pass S. B. No. 195, which is now in the United States Finance Committee.

S. C. R. No. 29, Petitioning Congress of United States not to enact any laws regarding the conservation, development, and production of petroleum resources of the State of Texas or placing the conservation, development and production of the petroleum resources of this State under Federal control or the control of any Federal agency; etc.

Respectfully submitted,

E. R. LINDLEY,

Chief Clerk, House of Representatives.

#### Senate Bill 18 Tabled Subject to Call

On motion of Senator Kelley and by unanimous consent, S. B. No. 18 was tabled subject to call.

#### Senate Bill 67 on Second Reading

Senator Moore moved that Section 5 of Article 3 of the Constitution be suspended, to allow consideration by the Senate of S. B. No. 67 at this time.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Spears	Sulak
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The President Pro Tempore laid before the Senate on its second reading and passage to engrossment:

S. B. No. 67, A bill to be entitled "An Act permitting the State Board of Education to purchase and provide free text books for the teaching of the Spanish language in certain elementary grades in certain schools in certain school districts in the State of Texas; providing the manner of selecting, purchasing and distributing such books; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following (committee) amendments to the bill:

(1)

Amend S. B. No. 67, Section 1, by inserting the words "or sections of grades" immediately after the words "designate certain grades."

(2)

Amend S. B. No. 67, Section 2, by inserting the words "or sections of grades" immediately after the words "in such grades."

(3)

Amend the caption of S. B. No. 67 so as to read as follows:

"An Act permitting the State Board of Education to purchase and provide free text books for the teaching of the Spanish language in certain elementary grades or sections of grades in certain schools in certain school districts in the State of Texas; providing the manner of selecting, purchasing and distributing such books; and declaring an emergency."

The amendments were adopted severally.

Senator Moore offered the following amendments to the bill:

(1)

Amend S. B. No. 67, Section 2, by inserting the words "and directed" immediately after the words "and impowered."

(2)

Amend the caption to conform to the body of the bill.

The amendments were adopted severally.

The bill then was passed to engrossment.

## Senate Bill 67 on Third Reading

Senator Moore moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 67 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—29

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Hill	Van Zandt
Isbell	Vick
Kelley	Weinert
Lanning	Winfield
Lemens	York
Lovelady	

Absent—Excused

Spears Sulak

The President Pro Tempore then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	Mauritz
Beck	Metcalfe
Brownlee	Moffett
Chadick	Moore
Fain	Ramsey
Formby	Shivers
Graves	Smith
Hazlewood	Stone
Isbell	Van Zandt
Kelley	Vick
Lanning	Weinert
Lemens	Winfield
Lovelady	York
Martin	

Nays—2

Cotten Hill

Absent—Excused

Spears Sulak

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**Notices Given**

Senator Aikin gave notice that he would call for the consideration of the Judiciary appropriation bill on next Friday or on Wednesday or Thursday of this week if the House bills on the calendar for Wednesday and Thursday are disposed of by the Senate.

Senator Martin gave notice that he would move duly that the Senate go into executive session to consider

nominations of the Governor at 11:00 o'clock a. m. next Thursday, March 6, 1941.

**Adjournment**

Senator Martin moved that the Senate adjourn until 10:00 o'clock a. m. tomorrow.

The motion prevailed; and the Senate, accordingly, at 12:10 o'clock p. m., adjourned until 10:00 o'clock a. m. tomorrow.

In Memory of

**The Reverend Doctor Paul J. Foik,  
C. S. C.**

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Senator Brownlee offered the following resolution:

(Senate Resolution 50)

Whereas, The Reverend Doctor Paul J. Foik, C.S.C., died on March 1, 1941; and

Whereas, Father Foik has spent many years in the preparation of a seven volume history of early Texas; and

Whereas, Father Foik has acted in a highly official character in helping to plan the Texas Centennial Celebration; and

Whereas, Father Foik has written the inscriptions and prepared the historical data which determined the selection of the sites of the more than one thousand historical markers which have been set up over the State of Texas; and

Whereas, Father Foik has taken a most prominent part in national, state, civic, and educational affairs; now therefore, be it

Resolved, That a resolution of condolence be sent to the Reverend Doctor S. F. Lisewski, C.S.C., President of St. Edward's University, and that the resolution be printed in the Senate Journal and a copy of same be sent to St. Edward's University.

BROWNLEE.

The resolution was read and was adopted.